



City of Lawrence

CITY MANAGER'S OFFICE

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CITY COMMISSION

MAYOR
LESLIE SODEN

COMMISSIONERS
STUART BOLEY
MATTHEW J. HERBERT
LISA LARSEN
MIKE AMYX

April 18, 2017

The Board of Commissioners of the City of Lawrence met in regular session at 5:45 p.m., in the City Commission Chambers in City Hall with Mayor Soden presiding and Vice Mayor Boley, Commissioner Amyx, Commissioner Herbert and Commissioner Larsen present.

A complete video recording of this meeting is available on the City's website at www.lawrenceks.org/agendas.

A. RECOGNITION/PROCLAMATION/PRESENTATION:

1. Proclaim the week of April 24 – 28, 2017 as The Week of the Young Child.
2. Proclaim the week of April 24 -28, 2017 as Tree City USA Week and Friday, April 28, 2017 as Arbor Day.
3. Proclaim the month of April, 2017 as the 30th Anniversary of Pelathe District Boy Scouts, Scouting for Food.
4. Proclaim the City of Lawrence, Kansas as a Hidden Heroes City.

B. CONSENT AGENDA:

Moved by Mayor Soden, seconded by Commissioner Larsen, to approve the consent agenda as below. Motion carried unanimously.

1. Approve City Commission meeting minutes from 04/04/17 and 04/11/17.
2. Receive minutes from various boards and commissions:

Planning Commission meeting of 02/22/17
3. Approve claims and payroll in the amount of \$7,431,171.75 to 189 vendors including payments over \$1,000,000.00 to the Kansas State Treasurer in the amount of \$4,312,081.23 and Garney Companies in the amount of \$1,146,118.34.
4. Approve licenses as recommended by the City Clerk's Office.

Drinking Establishment	Expires
Stonewall Restaurant and Pizzeria JJ Stonewall Inn 1008 Massachusetts	New



5. Approve appointments as recommended by the Mayor.

Douglas County Community Corrections Advisory Board: Appoint Ryan Ellet to a term that expires 05/31/19.

Historic Resources Commission: Appoint Matthew Veatch to a term that expires 03/01/20.

Lawrence Douglas County Metropolitan Planning Commission: Reappoint James Carpenter to an additional term that expires 05/31/20.

6. Bid and purchase items:

- a) Award Bid No. 1718, Project No. UT1307 - Oread Storage Tank and Booster Pump Station Replacement Project and Project No. UT1310 - 19th and Kasold Booster Pump Station Replacement Project, to Crossland Heavy Contractors in the amount of \$4,313,000, and authorize the City Manager to execute the contract. Authorize the City Manager to execute Supplemental Agreement No.3 in the amount of \$548,225, to the Engineering Services Agreement with HDR, Inc., for construction phase engineering services for Project No. UT1307 - Oread Storage Tank and Booster Pump Station Project and Supplemental Agreement No. 2, in the amount of \$107,630, to the Engineering Services Agreement with HDR, Inc., for Project No. UT1310 – 19th and Kasold Booster Pump Station Replacement Project.

7. Adopt on first reading, the following ordinances:

- a) Ordinance No. 9346, which amends the Electrical Code (Chapter V, Article 4) to allow non-metallic cable as a wiring method for multi-family dwellings exceeding three stories in height; and to require increased fire protection by expanding the scope of branch wiring being protected with arc-fault circuit-interrupters.

8. Adopt on second and final reading, the following ordinances:

- a) Ordinance No. 9343, allowing the sale, possession and consumption of alcohol in the public right-of-way of the 300 block of west 7th Street on Saturday, April 29, from 8:00 a.m. – 10:00 p.m. in Watson Park for the Rockin' Red Music Fest event.

- b) Ordinance No. 9344, allowing the sale, possession and consumption of alcohol on Sunday, May 14, 2017 from 10:00 a.m. to 5:00 p.m. in South Park and on Massachusetts Street between North Park and South Park Streets associated with the 2017 Art in the Park Event (rain date); provided the sale, possession and consumption are pursuant to City of Lawrence and State of Kansas law.

- c) Ordinance No. 9345, allowing the sale, possession and consumption of alcohol in the public right-of-way on Saturday September 30, 2017 on Massachusetts Street between North Park Street and South Park Street, from 6:00 a.m. – 6:00 p.m. for the Hot Rod Hullabaloo event.

- d) Ordinance No. 9347, allowing the sale, possession and consumption of alcohol in the public right-of-way on Saturday, October 7, 2017, on E. 7th Street, from New York Street to the southern property line of Van Go (715 New Jersey Street), from 12:00 p.m. – 11:59 p.m., for the Dinner on the Curve event.
9. Adopt Resolution No. 7197 authorizing the Mayor to execute an application for the 2017 Emergency Solutions Grant from the State of Kansas.
 10. Approve a Special Event Permit, SE-17-00173, for a fundraiser for LINK (Lawrence Interdenominational Nutrition Kitchen) featuring live music located at Bullwinkles, 1344 Tennessee, on April 27, 2017. Submitted by Sorrentino Investments LLC, property owner of record.
 11. Approve a Special Event Permit, SE-17-00181, for a Cinco de Mayo event located at 707 W. 23rd Street, on May 5, 2017. Submitted by Mi Ranchito, for Malls Investment Co LLC, property owner of record.
 12. Approve the following items related to Alvarmar development:
 - a) Rezone (Z-17-00009) approximately 1.418 acres from RS7 (Single-Dwelling Residential) District and PUD (Planned Unit Development) District to RM24-PD (Multi-Dwelling Residential-Planned Development) District, located at 2021 Crossgate Drive. (1809 Birdie Way, Lot 1 Alvarmar Inc. one Addition) Submitted by Paul Werner Architects for Eagle 1968 LC, property owner of record. Adopt on first reading, Ordinance No. 9339, to rezone (Z-17-00009) approximately 1.418 acres from RS7 (Single-Dwelling Residential) District and PUD (Planned Unit Development) District to RM24-PD (Multi-Dwelling Residential-Planned Development) District, located at 2021 Crossgate Drive. (1809 Birdie Way, Lot 1 Alvarmar Inc. one Addition) (PC item 1A; approved 10-0 on 3/15/17)
 - b) Rezone (Z-17-00011) approximately .558 acre from PUD (Planned Unit Development) District to RM24-PD (Multi-Dwelling Residential-Planned Development) District, located at 2021 Crossgate Drive. (1575 Birdie Way, Lot 2 Alvarmar Inc. one Addition) Submitted by Paul Werner Architects for Eagle 1968 LC, property owner of record. Adopt on first reading, Ordinance No. 9340, to rezone (Z-17-00011) approximately .558 acre from PUD (Planned Unit Development) District to RM24-PD (Multi-Dwelling Residential-Planned Development) District, located at 2021 Crossgate Drive. (1575 Birdie Way, Lot 2 Alvarmar Inc. one Addition) (PC item 1B; approved 10-0 on 3/15/17)
 - c) Revised Final Development Plan, FDP-17-00028, for Alvarmar Lot 1, located at 1809 Birdie Way for the addition of an 8,200 SF multi-purpose building. Submitted by Paul Werner Architects, for Eagle 1968 LC, property owner of record. (PC item 1C; approved 10-0 on 3/15/17)
 - d) Revised Final Development Plan, FDP-17-00029, for Alvarmar Lot 2, located at 1575 Birdie Way for the relocation of the apartment clubhouse and pool area. Submitted by Paul Werner Architects, for Alvarmar Apartments LC, property owner of record. (PC item 1D; approved 10-0 on 3/15/17)

13. Approve a Preliminary Development Plan, PDP-17-00008, for Mt. Blue Addition, Lot 1 and Mt. Blue Addition No. 2, Lot 9 to accommodate a gun range and retail store, located at 2350 Franklin Road. Submitted by Paul Werner Architects on behalf of Ace Self-Storage LLC, property owner of record. (PC item 3; approved 10-0 on 3/15/17)
14. Approve a Text Amendment, TA-16-00388, to the City of Lawrence Land Development Code, Articles 4, 5, & 17, regarding *Funeral and Interment Services as defined in Section 20-1729. The requested amendment would allow Columbariums as Accessory Uses to established Religious Assembly Institutions*. Submitted by Corpus Christi Catholic Church. *Initiated by City Commission on 9/20/16*. Adopt on first reading, Ordinance No. 9341, for a Text Amendment (TA-16-00388) to the City of Lawrence Land Development Code, Articles 4, 5, & 17, regarding *Funeral and Interment Services as defined in Section 20-1729. The requested amendment would allow Columbariums as Accessory Uses to established Religious Assembly Institutions*. (PC Agenda Item 5; approved 10-0 on 3/15/17)
15. Approve the Lawrence Cultural Arts Commission Community Arts Grants as recommended by the Lawrence Cultural Arts Commission.
16. Approve change in the time for the May 9, 2017 City Commission meeting from 5:45 p.m. to 3:00 p.m.
17. Authorize the Mayor to sign a letter of support for the Lawrence Public Library, for a grant application to install a solar photovoltaic array on the roof of the library and to provide some educational displays about solar energy and sustainability.
18. Authorize the Mayor to sign a letter written by the Mayors National Climate Action Agenda to President Trump, urging the President to reconsider his actions to dismantle efforts to address climate change.
19. Approve as signs of community interest, a request from the Lawrence Home Builders Association to display temporary directional signs on private property at various locations throughout the City to promote their Spring Parade of Homes event. The signs will be placed the morning of April 29, 2017, and removed no later than May 7, 2017.
20. Authorize the Mayor to sign a Mortgage Subordination for Paul and Jean Ackerman, 2123 Marvonne Road.

C. PUBLIC COMMENT:

Dan Dannenberg addressed the Commission regarding motorcycle traffic.

Crystalee Protheroe addressed the Commission regarding the Human Relations Commission.

D. REGULAR AGENDA ITEMS:

Toni Wheeler, City Attorney, stated outside counsel was delayed and requested the Commission consider regular agenda item 2.

2. Consider the following items related to Transit:

a) **Receive presentation on the Transit Comprehensive Operations Analysis.**

Bob Nugent, Lawrence Transit System Administrator, presented the staff report.

Danny Kaiser, KU Transit Administrator, provided feedback on the analysis.

Moved by Commissioner Herbert, seconded by Commissioner Larsen, to accept the study. Motion carried unanimously.

b) **Consider authorizing the City Manager to execute a Professional Services Agreement with a firm to conduct a Transit Center Location Analysis.**

Bob Nugent, Lawrence Transit System Administrator, presented the staff report.

No action was taken on item 2b.

The commission took a 10 minute break at 7:58 p.m.

1. **Consider the following items related to the 12th & Oread Tax Increment Financing District Redevelopment Agreement:**

a) **Consider authorizing the Mayor to execute a Settlement Agreement and Mutual Release in substantially the form of the attached agreement resolving the lawsuit, *City of Lawrence, Kansas v. Thomas Fritzel, Oread Inn, LC, Oread Wholesale, LC, DFC Company of Lawrence, LC, and John Doe 1-12, Case No. 16-cv-02800.***

b) **Consider authorizing the Mayor to execute the First Amendment to the 12th & Oread Tax Increment Financing District Redevelopment Agreement, in substantially the form of the attached First Amendment.**

Toni R. Wheeler, City Attorney, presented the staff report.

Bradley Russell, Sanders, Warren & Russell, LLP, outside counsel for the City of Lawrence, presented an overview of the items being considered.

Moved by Mayor Soden, seconded by Commissioner Amyx, to authorize the Mayor to execute a Settlement Agreement and Mutual Release. Motion carried unanimously.

Moved by Commissioner Amyx, seconded by Commissioner Herbert, to authorize the Mayor execute the First Amendment to the 12th & Oread Tax Increment Financing District Redevelopment Agreement. Motion carried unanimously.

3. **Consider funding request from the Lawrence Community Shelter.**

Item 3 was deferred at applicant's request.

4. **Consider request to proceed with bidding and construction of the first two phases of the Eagle Bend Pro Shop Addition and authorize staff to negotiate a partnership agreement between the Kansas Golf Association and Eagle Bend Golf Course.**

Mark Hecker, Assistant Director Parks and Recreation, and Darin Pearson, Park Operations Manager/Eagle Bend, presented the staff report.

Moved by Mayor Soden, seconded by Commissioner Amyx, to direct staff to proceed with bidding of the first two phases of the Eagle Bend Pro Shop Addition; and, authorize staff to negotiate a partnership agreement between the Kansas Golf Association and Eagle Bend Golf course; and, direct staff to place bid results and draft agreement on a future agenda for consideration by the Commission; and, direct staff to move the Eagle Bend Pro Shop Addition Project to a later year in the 5 year Capital Improvement Program. Motion carried unanimously.

E. COMMISSION ITEMS:

Mayor Soden asked staff for an update on the Strategic Plan process.

F. CITY MANAGER'S REPORT:

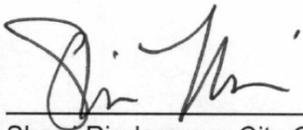
Tom Markus, City Manager, presented information on the following items: Planning & Development Services Monthly Project Report, Lawrence Douglas County Fire Medical Monthly Report, Utility Billing Monthly Report, Utility Billing New Payment Portal and Delinquency Notification Process, Future Agenda Items and Future Work Session Items.

G. CALENDAR:

Review of calendar items.

Moved by Commissioner Herbert, seconded by Commissioner Larsen, to adjourn at 10:14 p.m. Motion carried unanimously.

MINUTES APPROVED BY THE CITY COMMISSION ON MAY 2, 2017.



Sherril Riedemann, City Clerk